

Catherine Kimionakis
49 Broadway Street
Pembroke, NH 03275

Re: Hooksett Mini Mart,
1115 Hooksett Road, Hooksett,
UST Permit #0111286

**ADMINISTRATIVE ORDER
No. WMD 06-004**

March 6, 2006

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to Catherine Kimionakis pursuant to RSA 146-C. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, New Hampshire.
2. Catherine Kimionakis is an individual having a mailing address of 49 Broadway Street, Pembroke, New Hampshire 03275.

C. STATEMENTS OF FACTS AND LAW

1. RSA 146-C authorizes the Department of Environmental Services to regulate the installation, maintenance, operation, and closure of underground storage facilities. Pursuant to RSA 146-C:9, the Commissioner of DES has adopted New Hampshire Administrative Rules Env-Wm 1401 to set forth the requirements for underground storage facilities by "establishing criteria for registration and permitting, and standards for design, installation, operation, maintenance, and monitoring of such facilities."
2. Catherine Kimionakis is the registered facility owner of four underground storage tanks ("USTs") at the Hooksett Mini Mart facility ("the Facility"), further identified as UST #0111286, located on real property at 1115 Hooksett Road, Hooksett, NH ("the Property").
3. The UST systems are subject to the requirements of RSA 146-C and Env-Wm 1401.
4. On March 23, 2005, a DES inspector conducted a compliance inspection at the Facility and noted compliance deficiencies which were identified in a report (the "Report") issued to the Facility representative at the time of the inspection.

5. The Report notified the Facility that compliance was to be achieved within 30 days of the date of the inspection and verification of compliance submitted to DES within 45 days of the date of the inspection. Acknowledgement of receipt of the Report was signed by Catherine Kimionakis on behalf of the Facility.
6. The Report also included a UST Facility Summary of Deficiencies identified at the time of the inspection. Among those deficiencies identified, DES has not been notified that the following have been corrected within 45 days after the inspection was performed:
 - a. Required stock inventory records for the four 4,000-gallon gasoline USTs (Tanks 1 - 4) were not maintained;
 - b. The spill containment device for Tank 2 does not have a minimum capacity of 5-gallons;
 - c. The overfill protection devices for Tanks 1 - 4 were not installed properly;
 - d. Tanks 1 - 4 are not equipped with release detection;
 - e. Release detection for the suction piping systems of Tanks 1 - 4 was not conducted; and
 - f. The sacrificial anode systems for Tanks 1 - 4 have not been tested within three years of the last test.
7. Env-Wm 1401.11(a) requires the owner of an underground storage facility to conduct inventory monitoring for each underground storage tank, and to maintain separate records for each tank and interconnected system.
8. Env-Wm 1401.25(c) requires all spill containment equipment to have a minimum liquid capacity of 5 gallons.
9. Env-Wm 1401.25(h) defines the manner in which the overfill protection devices shall be installed and maintained.
10. Env-Wm 1401.29(a) requires underground storage tanks without secondary containment and leak monitoring to be equipped with release detection and to be monitored for releases.
11. Env-Wm 1401.30(r) requires release detection for suction piping to be a line tightness test in accordance with Env-Wm 1401.30(q) every 3 years or existing groundwater monitoring or soil vapor monitoring in accordance with Env-Wm 1401.30(l), (m), and (n).
12. Env-Wm 1401.32(c) requires a cathodic protection tester to test tank sacrificial anode systems within 6 months of installation and every 3 years thereafter.

D. DETERMINATION OF VIOLATIONS

1. Catherine Kimionakis has violated Env-Wm 1401.11(a) by failing to maintain accurate stock inventory records for Tanks 1 - 4 in accordance with RSA 146-C:5 and Env-Wm 1401.11.

2. Catherine Kimionakis has violated Env-Wm 1401.25 (c) and (h) by failing to maintain the spill containment equipment on Tank 2 with a minimum liquid capacity of 5 gallons and by failing to properly install and maintain overfill protection equipment on Tanks 1 - 4.
3. Catherine Kimionakis has violated Env-Wm 1401.29(a) by failing to equip Tanks 1 - 4 with release detection.
4. Catherine Kimionakis has violated Env-Wm 1401.30(r) by failing to conduct release detection on the piping systems of Tanks 1 - 4.
5. Catherine Kimionakis has violated Env-Wm 1401.32(c) by failing to test the tank sacrificial anode systems within 3 years of the last test for Tanks 1 - 4.

E. ORDER

Based on the above findings and determinations, DES hereby orders Catherine Kimionakis as follows:

1. **Within 30 days** of the date of this Administrative Order, compliance with all of the rules alleged to have been violated as listed above must be achieved or, the UST systems must be closed in accordance with Env-Wm 1401.18 and RSA 146-C:4.
2. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

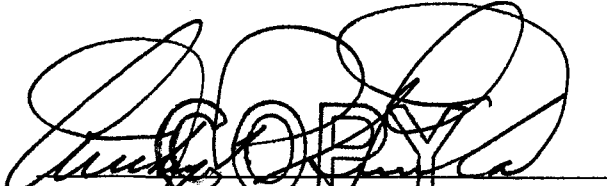
Lynn A. Woodard, P.E., Supervisor, Oil Compliance Section
DES Waste Management Division
P.O. Box 95
Concord, NH 03302-0095
Fax: (603) 271-2181
e-mail: lwoodard@des.state.nh.us

F. APPEAL


Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rules are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Catherine Kimionakis of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 146-C:10 provides for administrative fines and civil penalties, for the violations noted in this Order, as well as for failing to comply with the Order itself. DES will continue to monitor Catherine Kimionakis' compliance with applicable requirements and will take appropriate action if additional violations are discovered.



Anthony P. Giunta, P.G., Director
Waste Management Division



Michael P. Nolin, Commissioner
Department of Environmental Services

Certified Mail/RRR: 7000 1670 0000 0586 7904

cc: Gretchen R. Hamel, Legal Unit Administrator ✓
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
James Martin, DES Public Information Officer
Town of Hooksett Health Officer
Lynn A. Woodard, P.E., WMD UST Supervisor
Thomas R. Beaulieu, WMD UST Chief